

DEC 09 2005

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December 9, 2005

**VIA FACSIMILE**

To: Examiner Tri H. Phan  
Group Art Unit: 2661  
U.S.P.T.O.

Facsimile No.: (571) 273-8300

From: James E. Howard

Facsimile No.: (703) 761-2375 or 76

Re: Enclosed Petition Under 37 C.F.R. §1.181 that a Complete Response be Provided in  
Accordance with M.P.E.P. §707.07(f)  
U.S. Patent Application Serial No. 09/611,342  
Docket No.: NE-1018-US/KM

Dear Examiner Phan:

Enclosed for filing is a Petition Under 37 C.F.R. §1.181 that a Complete Response be  
Provided in Accordance with M.P.E.P. §707.07(f), for the above-identified patent application.

Thank you in advance for your kind consideration on this case.

Very truly yours,

  
James E. Howard

JEH/geb  
Enclosures  
Total pages transmitted: 5

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application of

Saburou Ikeda

Serial No.: 09/611,342

Group Art Unit: 2661

Filed: July 6, 2000

Examiner: Tri H. Phan

For: APPARATUS AND METHOD FOR ESTABLISHING DIAL-UP BRANCH  
CONNECTIONS TO INTERNET SERVICE PROVIDERSHonorable Commissioner of Patents  
Box AF  
Alexandria, VA 22313 - 1450**PETITION UNDER 37 C.F.R. §1.181 THAT A COMPLETE RESPONSE BE  
PROVIDED IN ACCORDANCE WITH M.P.E.P. § 707.07(f)**

Sir:

Applicant respectfully petitions under 37 C.F.R. § 1.181 that the USPTO provide a complete response, in accordance with M.P.E.P. § 707.07(f), to Applicant's response dated July 21, 2005, in the above-identified Application.

Applicant respectfully submits that the Examiner has failed to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure. In particular, the Examiner has failed to comply with the requirements of the M.P.E.P. as set forth in § 707.07(f) by failing to answer all material traversed.

*"Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." (M.P.E.P. § 707.07(f), emphasis added).*

Simply repeating the text of a previous rejection which the Examiner believes "clearly pointed out the limitations in corresponding (sic) to the applied art" does not address the traversals provided by the Applicant which clearly contradicts the allegation that "the

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limitations in corresponding (sic) to the applied art.”

Indeed, the Examiner has not addressed the Applicant’s very clear traversals and Applicant respectfully submits that the Examiner fails to further prosecution of this application by merely repeating the exact same (verbatim!) allegations without addressing the shortcomings and traversals which the Applicant has argued.

Specifically, in the Amendment that was filed on July 21, 2005, the Applicant very clearly pointed out that none of the applied references teaches or suggests the features of the claimed invention including establishing a plurality of connections in a switching unit that is specified by a request signal between one of the diverging ports and a plurality of the converging ports. In other words, one of the diverging ports diverges a connection into a plurality of connections with a plurality of converging ports. As explained above, this feature is important for significantly reducing the number of connections that are required to be established in the switching system of the public switched telephone network.

In the previous Office Action, the Examiner conceded that he did not provide any patentable weight to the term “diverging ports.”

The Applicant then pointed out that the Examiner’s failure to provide patentable weight to a term in a claim which is well understood by those of ordinary skill in the art was improper.

The Examiner’s refusal to address this traversal is clearly contrary to the mandate of the M.P.E.P.

Additionally, Applicant very clearly explained that the Examiner’s reference to Figure 13 and elements 96 does not support the allegation that the Shimojo et al. reference discloses a switching unit having a plurality of diverging ports. Contrary to the Examiner’s allegation,

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the input switch 96 merely switches incoming data to only one of the interior of a corresponding flow control element 94 or a different flow control element 94. (Col. 11, lines 31 - 40). In other words, the input switch 94 of the Shimojo et al. reference does not diverge the input port to multiple output ports as recited by the present invention. Rather, the Shimojo et al. reference merely discloses selecting between individual outputs.

The Examiner has not addressed this traversal.

Further, the Examiner has also failed to address the Applicant's traversal regarding the fact that the switch node 92 of the Shimojo et al. reference is not a public network switching system. Rather, the switch node 92 forms a part of an ATM network (col. 6, lines 4-7).

The Examiner has not addressed this traversal.

The Examiner has also failed to address the Applicant's traversal regarding the fact that the Foladare et al. reference does not teach or suggest determining whether any telephone number coincides with a stored telephone number, let alone teach or suggest establishing a connection if a telephone number coincides with a stored telephone number as recited by claim 12.

The Examiner's responses to these traversals are absolutely necessary for prosecution to continue, including an Appeal, and Applicant would prefer to have the Examiner's responses prior to proceeding to Appeal.

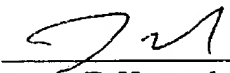
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For at least the reasons outlined above, Applicant hereby petitions that the USPTO provide a complete response to the Applicant's previous traversals of the rejections of record.

Respectfully Submitted,

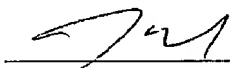
Date: 12/9/05

  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Petition Under 37 C.F.R. §1.181 that a Complete Response be Provided in Accordance with M.P.E.P. §707.07(f) by facsimile with the United States Patent and Trademark Office to Examiner Tri H. Phan, Group Art Unit 2661 at fax number (571) 273-8300 this 9<sup>th</sup> day of December, 2005.

  
James E. Howard, Esq.  
Registration No. 39,715